

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES McNEIL and MARY McNEIL,)	
his wife;)	
Plaintiffs,)	2:05cv288
)	Electronic Filing
vs.)	
)	Judge Cercone
BAHAMASAIR HOLDINGS LIMITED,)	Magistrate Judge Sensenich
INC.)	
Defendant.)	

MEMORANDUM ORDER

On March 10, 2005, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 71.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on May 26, 2006, recommended that Defendant's Motion to Dismiss Plaintiffs' Complaint be denied. It further recommended that Defendant's Alternative Motion to Transfer Venue Pursuant to 28 U.S.C. § 1406 be granted, and that this action be transferred to the United States District Court for the Southern District of Florida. The parties were allowed ten (10) days from the date of service to file objections. Service was made on all parties. No objections have been filed. After review of the report and recommendation, the following order is entered:

AND NOW, this 20th day of June, 2006;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Plaintiffs' Complaint is denied.

IT IS FURTHER ORDERED that Defendant's Alternative Motion to Transfer Venue Pursuant to 28 U.S.C. § 1406 is granted, and that this action is transferred FORTHWITH to the United States District Court for the Southern District of Florida.

The report and recommendation of Magistrate Judge Sensenich, dated May 26, 2006, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

All parties noticed electronically via CM/ECF